

One Million Francs

By Arnold Fredericks

"She took the letter, her cheeks flushing, 'I believe that my aunt did make a will,' she began hotly.

The Count interrupted her, waving his hand. "You say she made a will? How do you know it? How do you know it? No such will has ever been found, and that ends the matter."

The girl faced him resolutely, in spite of her annoyance. "I have not refused to listen to her claims, putting her off with smooth words and pleasant generalities. Now she was determined to bring the matter to an issue. 'No,' she exclaimed angrily, 'you took care of that. The will has probably been destroyed. As for the witnesses, no doubt they were creatures of yours.'"

"Mademoiselle! D'Este raised his hands to heaven. 'You use strong words.'"

"The truth, that's all. When you married my aunt, you did so for her money. I told her so at the time, but she wouldn't listen to me."

"My child, you are unjust!" He controlled his temper with an effort. "I don't think so. I have never understood how it was that when my aunt died it was found that all her property had been sold. You claim that she lost the money in speculation."

"Undoubtedly," he interrupted. "I don't believe it. The very day she died she told me—"

Again the Count interrupted. "Poor Mademoiselle! She was not in her right mind toward the last."

"No wonder, after the way you treated her."

"Mademoiselle, I must refuse to listen to you further. Your claims are reasonable. You can do nothing. He turned toward the door.

"Don't be too sure of that. There are persons in America who will not permit in these grave accusations against me, permit me to remind you that we have laws here in France," he paused significantly. "Since you would do well to heed, I have treated you very generously. But for you would not have a cent in the world, and you are next to me, I am afraid I shall be obliged."

Again he paused, his words, his tone, full of meaning.

"Don't threaten me, Count D'Este. I am not afraid of you. I have friends."

He went on to her, his face suddenly becoming convulsed with anger. "Is Victor Girard one of them?" he asked in a harsh voice.

Grace recoiled in surprise at his sudden change of manner. "Victor Girard!" she asked eagerly. "Who is he?"

"Don't you know?"

"Certainly not. Why do you ask?"

"Are you telling me the truth?" he demanded, looking at her suspiciously.

"Of course I am. I never heard the name before in my life. Why should he be a friend of mine?"

The Count shrugged his shoulders. "Never mind. If he is, I imagine he will soon be quite as friendly to me."

She gazed at him in blank amazement. "I don't know what you are talking about. What has this man to do with me?"

"If nothing, so much the better," he remarked, drawing a long, thin cigar from his pocket and carefully selecting a cigar from its contents. "I think we had better end this discussion at once. Nothing is to be gained by quarrelling. Permit me to suggest, Mademoiselle, that you go to your room. I trust that when we meet again, you will be in a more agreeable frame of mind."

"I have remained here in your house," said D'Este, "because I have hoped you would give me what I believe is due me. Since you refuse to do so, I do not care to exist upon your charity any longer." With an angry nod she left the room.

D'Este sat down and attempted to read his paper, but he was unable to concentrate his thoughts upon the news of the day. The letter which Grace Elliott had shown him had made him extremely uncomfortable. What a tenuous connection he wondered, could there be between the outrageous demands which this fellow had been making upon him and the letter received by his niece, so calmly assuring her that before the end of the month the money which she claimed would be turned over to her. It was quite evident that the girl had no knowledge whatever of Girard or of his demands. She had lived in Paris but a short time, and it was inconceivable that any criminal or band of criminals in the city be operating in her behalf. Yet the assurance of the letters was, to say the least, exasperating. There flashed through his mind the thought of several of the cases which he had seen recorded recently in the newspapers. Only a few weeks before, a young man, a Frenchman, and upon his paying no attention to them, had been murdered in cold blood one night while entering his house, after a convivial evening at the club. The newspapers had attributed the outrage to an unusually active band of rascals who had been of late terrorizing Paris. There was also some talk of activity on the part of Italian criminals, operating

by the well-known "black hand" methods. The Count was not at all alarmed, although he was originally of Neapolitan origin. He shuddered when he thought of the dangers to which he might be exposed, and waited impatiently for the arrival of the Prefect of Police.

Presently he heard sounds of someone coming along the hall, and he glanced up as a man entered the room with a visiting card upon a tray. The man's face showed unfeigned excitement. He advanced toward the Count hesitatingly, apologetically, as though performing a mission that was extremely distasteful to him.

D'Este glanced at the card curiously, and, taking the card from the tray, read the name upon it in utter astonishment, which he was not slow to conceal.

"Victor Girard!" he gasped, his hand trembling with excitement. "Sacre nom de Dieu!" He sank weakly into a chair and gazed at the perspiring butler. "That man here? Imbecile! Why did you let him in?"

"Alas, Monsieur, I could not help it. He passed me roughly at the door. He insisted upon seeing you."

"You could see no one, but he would not listen to me. He said that you would know what he wanted."

"Where is the fellow now?" demanded D'Este.

"In the library, Monsieur the Count."

The butler's confusion increased momentarily. "What could I do?" he protested. "The fellow is undoubtedly a dangerous character."

The Count drew himself up and settled his shoulders pugnaciously. Whatever else he was, Monsieur D'Este was not a coward. "You are," he cried, "you are a fool. Since this fellow has gained entrance to my house, I shall see him."

"All right, Monsieur the Count," said the butler, "but he is waiting in the hands of Monsieur Lefevre." He strode past the frightened servant and went toward the library.

To Be Continued.

PLANS TO CHANGE ATLANTIC TRAFFIC

Casimir-Perier Hopes to Make Brest Principal European Harbor.

Paris, July 22.—Claude Casimir-Perier, son of the late president of the republic, is at the head of an undertaking, which, if carried out, should be of extreme importance to French shipping and to the world's shipping.

The wonder is that the scheme has never yet been taken up seriously. It is one for making Brest the main European harbor for trans-Atlantic traffic.

The natural advantages of Brest's position are obvious. The port is the nearest European point to the whole of America, northern, central and southern. Its natural roadstead is a magnificent one, and it is now made of it. If French shipping summons the energy to work Brest properly, the results may be far-reaching.

For the rest of Europe, it is certain, that nine-tenths of the North American traffic for the continent of Europe and practically all the traffic from Central and South America would be routed through Brest.

For the time being Brest is entirely asleep, except for the naval arsenal. The railroad service from Brest to Paris is worse than asleep. The distance is just 387 miles, and the one so-called rapid of the day takes 12 hours to cover the distance.

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MARRIAGE CASE IN HIGHEST COURT

Question of Parliament's Powers in Matter Opens Before Privy Council.

INTRODUCTORY SPEECH

Hon. Wallace Nesbitt Begins Argument, Speaking For the Lancaster Bill.

London, July 22.—The Privy council chamber at Whitehall today was the scene of the opening arguments, which will undoubtedly rank as historic in the annals of Canada. The famous marriage law case referred to the Privy Council came before the Lord Chancellor, Lord Loreburn; Lord Halsbury, Lord Macnaghten, Lord Atkinson, Lord Shaw, Chief Baron Pallas, today.

A notable array of counsel appear in the case. For the Dominion, Wallace Nesbitt, K. C., Eugene Lafleur, K. C., and Geoffrey Lawrence will present arguments.

P. B. Mignault, K. C., and I. F. Hellmuth, K. C., will argue other questions, and R. C. Smith and Aime Geoffroy represent the Attorney-General of Quebec.

The judicial committee sit unrobed, but the counsel are robed. The council chamber is merely a large room like a private library and their lordships sit round a big table, and the counsel take turns in addressing them from a sort of lectern. There is practically no provision made for the general public or reporters except the official stenographer.

On the hearing of the case a fortnight ago, Mr. Doherty, in making the application, explained that the matter arose on a reference by the Governor-General-in-Council to the supreme court under section 60 of the supreme court act on the respective jurisdictions of the Parliament of Canada and the Provincial Legislatures upon questions of law governing marriage.

A bill was introduced into the Parliament of Canada, at its last session which proposed to amend the marriage act. Very grave doubts were entertained as to the constitutional power of the Parliament of Canada to pass the proposed legislation.

Under the British North America act, section 91, while the legislative jurisdiction over marriage and divorce was conferred upon the Parliament of Canada, by section 92 the exclusive jurisdiction with regard to the solemnization of marriage was conferred on the Provincial Legislatures. In view of these two dispositions grave doubts as to the validity of the legislation were entertained.

The subject matter of the legislation had given rise to a very considerable agitation in the country and very strong feeling had been generated, which arose from the fact that it was contended that under the law of the Province of Quebec the validity of marriages at all events as regarded marriages between two persons professing the Roman Catholic religion, was dependent on the ceremony being celebrated by a priest of the Roman Catholic Church, and furthermore, it was also contended that such marriage in cases where one of the parties was a Roman Catholic and the other was a Protestant, was not valid unless celebrated before a priest of the church. That supposed or believed condition of the law of the Province of Quebec was looked upon by a certain portion of the population as constituting a very serious evil, calling for a remedy and the promoters of the bill in question sought to remedy it by the enactment of this bill.

Canada considered that no good would be done and that on the contrary an additional element of discord would be introduced by an endeavor to amend the law of the Province of Quebec in this matter, if it should turn out that Parliament was without legislative jurisdiction. It, therefore, determined to submit to the supreme court of Canada the question of its power to enact the proposed legislation, and furthermore a question tending to determine whether or not the supposed condition of the law of the Province of Quebec was a grievance which was believed or which it was pretended existed and called for a remedy did or did not exist.

Mr. Doherty then read the answers of the judges to the various questions, and said that upon those answers being rendered the Government of Canada felt that, in view of the importance of the matter and of the very general desire that it should be settled by the judgment of the highest tribunal of the realm, it was incumbent upon them to apply for leave to appeal from that judgment, in order that the people of Canada should have the advantage of answers to those questions from this tribunal.

Mr. Doherty's application was granted, and today was fixed for the presentation of the case.

Questions at issue. Mr. Nesbitt opened with a formal recital of the grounds of the appeal.

The first question for the court was: Has the Parliament of Canada authority to enact in whole or part bill number three of the first session, twelfth Parliament of Canada?

The Lord Chancellor—That was the act entitled "An act to amend the marriage act."

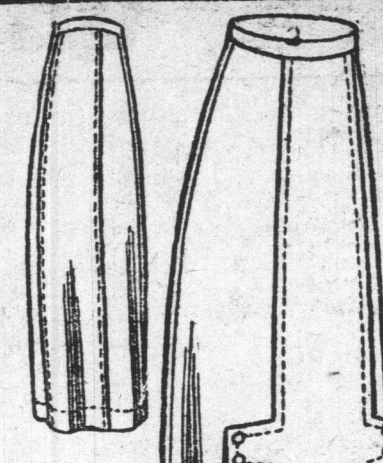
Mr. Nesbitt—Yes, and the bill provides the following amendment: "Every ceremony or form of marriage heretofore or hereafter performed by any person authorized to perform any ceremony of marriage by the laws of the place where it is performed and

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Lord Halsbury intimated that he thought the word marriage depended upon the context in which it was used. A and B might agree to get married, and yet not after all a man and wife. Counsel thought that Lord Halsbury said was unquestionably true of divorce, but there was a difference between the contract of marriage and the solution of the marriage tie. If a man was married or was not there was no half-way status; yet in divorce parties might merely separate and might be divorced without marrying again or might be absolutely free.

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9288

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fully performed according to such laws shall everywhere within Canada be deemed to be a valid marriage, notwithstanding any differences in the religious faith of the persons so married, and without regard to the religion of the person performing the ceremony."

He also read the next section: "The rights and duties, as married people of the respective persons, married or aforesaid and of the children of such marriage shall be absolute and complete, and no law or canon of any province or of Canada shall have any force or effect to invalidate or qualify such marriage of any of the rights of the said persons or their children in any manner whatever."

Lord Shaw—What the reference asks us to say is whether these provisions are all within the authority of Parliament, and if not which one?

Mr. Nesbitt agreed and proceeded to read question two: "Does the law of Quebec render null and void a marriage contracted before a priest of the Roman Catholic Church, otherwise legally binding between (a) persons both Roman Catholic, (b) persons of whom one is Roman Catholic and the other is Protestant?"

Mr. Nesbitt answered affirmatively, or both, has the Canadian Parliament authority to enact that existing heretofore, and that the law of Quebec should be amended so as to give the supreme court judges were of the opinion that proposed legislation was ultra vires.

Lord Shaw said it occurred to him that the question of the bill might be good as part of a scheme of provincial legislation by Parliament and current legislation by the provinces, and the prospective part so far as was possible to make it effective to prohibit a religious test. It was very questionable as leaving doubt the civil status of such persons.

The Important Point.

"The all-important point," said Mr. Nesbitt, "is that legislation touching the actual contract of marriage as such is within the exclusive power of the Dominion Parliament. We contend that validity of the contract of marriage cannot be affected by provincial legislation, and that only provincial legislation by Parliament and current legislation by the provinces, and the prospective part so far as was possible to make it effective to prohibit a religious test. It was very questionable as leaving doubt the civil status of such persons."

On the third question, the majority of the judges opined that Parliament had no power to enact such remedial legislation.

His point was that once two persons agreed to live as man and wife there was a marriage state, who could say such a marriage would be recognized only if certain formalities were complied with? The formalities might vary and did vary. What they were had nothing to do with building the contract inter se of the parties in England from Saxon days onwards.

Some ceremonial had always been attached to marriage. Marriage was solemnized in England, although it meant nothing more than a contract to live as man and wife together, or which the ceremony was only additional evidence of the parties having agreed as husband and wife and were married. No vigorous more married, because the state where they lived said they must go through one or half a dozen legal forms to obtain the sanction of the state.

Lord Halsbury intimated that he thought the word marriage depended upon the context in which it was used. A and B might agree to get married, and yet not after all a man and wife. Counsel thought that Lord Halsbury said was unquestionably true of divorce, but there was a difference between the contract of marriage and the solution of the marriage tie. If a man was married or was not there was no half-way status; yet in divorce parties might merely separate and might be divorced without marrying again or might be absolutely free.

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